THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 7506 OF 1998

DATE: 21-7-2006

K.Ravi … Petitioner

And

1. The Registrar, Central Administrative Tribunal,
Hyderabad Bench, Hyderabad and 4 others … Respondents

THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 7506 OF 1998

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

Aggrieved by the order of the Central Administrative Tribunal Hyderabad Bench in O.A.1565 of 1995 dated 31.12.1997, whereby the Tribunal set aside the selection and appointment of the petitioner herein as EDBPM, Thummur and directed the respondents to complete the process of selection among the candidates who responded to the notification dated 1.2.1995 and held that till such time the petitioner should be continued as a provisional candidate, the present writ petition is filed.

The earlier selection was set aside by the Tribunal on the ground that the notification issued, inviting applications did not specify that the posts were reserved for S.C candidates and in case the respondents felt that there was shortfall of candidates in the S.C. category, in the division they should have specifically invited applications only from candidates who belong to the said reserved category.

The order of the Tribunal, to the extent the earlier selection was set aside, does not call for interference. The order of appointment, of the petitioner, makes it clear that he was appointed only on a provisional basis and as such the direction of the Tribunal that he shall be entitled to continue only till regular selection is made does not also call for interference. Petitioner has no indefeasible right to continue in

service without undergoing a regular process of selection, more so, when in the earlier selection process, he was not selected and it was only because the process of selection was found improper was he directed to be continued provisionally till fresh selections were undertaken.

The Tribunal, however, while setting aside the selection process and directing the respondents to conduct selection afresh restricted the process of selection only to those who had applied earlier. We se no basis for the Tribunal granting such a relief. Once the earlier selection process is set aside and a fresh notification is issued, all those who are eligible in accordance with the fresh notification must be permitted to participate in the selection process.

Sri V.Sudhakar Reddy, learned counsel for 5th respondent, would submit that the 5th respondent was the most meritorious among the candidates who appeared in the earlier process of selection and, but for the fact that the earlier process of selection was set aside, he would have been selected and appointed. Learned counsel would submit that since only eight candidates had submitted their applications to the earlier notification, on the earlier process of selection being set aside, the fresh process must also be restricted only to those candidates and permitting fresh candidates would deprive the candidates, who had applied earlier, of their right to be considered for selection. It is well settled that mere participation in the selection process, or even selection, does not confer any indefeasible right for appointment. Having set aside the process of selection, there was no justification for the Tribunal to restrict it only to those who had applied earlier including the 5th respondent. Even if it is presumed that the 5th respondent was the most meritorious of those who participated in the earlier selection process, he cannot claim that he or those who had applied earlier should alone be called to participate in the fresh

process of selection. This contention is without basis and is therefore rejected.

The writ petition is misconceived. The order of the Tribunal, except to the extent indicated above, does not call for interference. Subject to the above observations, the writ petition is dismissed. However, in the circumstances, without costs.

_____

B.PRAKASH RAO,J

Date:21-07-2006

_____

RAMESH RANGANATHAN,J

asp